

Exhibit 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

SHEETZ, INC., *et al.*,

Defendants.

Civil Action No. 1:24-cv-01123-JRR

Hon. Julie R. Rubin

DECLARATION OF GREGORY A. MURRAY

I, Gregory A. Murray, declare as follows:

1. I am a Senior Trial Attorney at the U.S. Equal Employment Opportunity Commission (“EEOC”).
2. I am counsel of record for EEOC in this matter.
3. I have personal knowledge of the matters stated below.
4. I submit this declaration in support of EEOC’s Response in Opposition to Defendants’ Motion to Transfer Venue Pursuant to 28 U.S.C. § 1404(a).
5. EEOC records show that on or about February 25, 2020, during EEOC’s administrative investigation that preceded the institution of this public enforcement action, Defendant Sheetz, Inc. (“Sheetz”), responded to an EEOC administrative subpoena. Sheetz produced 23 exhibits to its subpoena response, all as electronic files. Exhibit 10 to Sheetz’s subpoena response itself comprised approximately 300 separate electronic files. The file formats of the 23 exhibits included PDF files, Microsoft Excel spreadsheets, and Microsoft Word documents. Collectively, the file size of the 23 exhibits was over 160 megabytes. Sheetz transmitted the 23 exhibits to EEOC

electronically. The content of the 23 exhibits generally included earlier submissions of Sheetz to EEOC during EEOC's administrative investigation; a privilege log; Sheetz's employee handbook; criminal-history-grading matrices generated by a third-party background check vendor, General Information Services ("GIS"), that Sheetz had used when conducting pre-hire reviews of job applicants' criminal justice history information; job descriptions for the positions for which Sheetz had used criminal justice history information as a selection procedure; job applicant and employee records, including information about which job applicants Sheetz had determined did not pass its pre-hire review of their criminal justice history information; and the addresses of Sheetz's store locations.

6. EEOC records show that on or about September 29, 2021, during EEOC's administrative investigation that preceded the institution of this public enforcement action, GIS responded to an EEOC administrative subpoena. With its subpoena response, GIS produced approximately 72,500 background reports that GIS had conducted for job applicants at Sheetz from March 19, 2016, to June 15, 2020. GIS produced these background reports as individual PDF files. With its subpoena response, GIS also produced a Microsoft Excel spreadsheet containing information about these approximately 72,500 job applicants at Sheetz, including but not limited to identifying information, grades assigned by both GIS and Sheetz for GIS's and Sheetz's pre-hire review of these job applicants' criminal justice history information, and notes about those grade assignments. With its subpoena response, GIS also produced its implementation file for Sheetz, which included documents regarding the criteria used to classify the results of, or determine whether a job applicant had passed or failed the pre-hire review of criminal justice history information, and documents regarding criminal-history-grading matrices that GIS had generated for use by Sheetz. GIS produced all these documents to Sheetz, which then produced them to EEOC. GIS produced all these

documents to Sheetz as electronic files and transmitted them to Sheetz electronically, and in turn, Sheetz transmitted all these documents to EEOC electronically.

7. On multiple other occasions throughout EEOC's administrative investigation that preceded the institution of this public enforcement action, Sheetz produced documents to EEOC as electronic files and transmitted those documents to EEOC electronically.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on 06/26/24



Gregory A. Murray